

### **REMARKS**

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1, 2, 4, 9, 11-14, 25-28, 31, 33 and 35-40 are currently pending;
- Claims 15, 17-20 and 24 have been withdrawn; and
- Claims 1, 25, and 31 are amended herein.

Support for the amendments to the claims is found in the original specification, at least at paragraphs 7, 10-12, 21, 24, 48, 49, 52 and in Figures 2 and 3.

### **Specification Objection**

[0003] The Specification stands objected to as allegedly introducing new matter. Application respectfully disagrees with the Office that new matter was introduced into the specification. The Office states, “the routing node combining the routing policy with other received routing policies into a master routing policy for nodes in the overlay network” is added material that is not supported by the specification (Office Action, pgs. 4-5). Applicant respectfully directs the Office to paragraph 57 of the original specification to show support for the recited features that were amended into Claim 40. Applicant respectfully requests the withdrawal of the specification objection.

**Claims 1, 25, 31, 39, and 40 Comply With § 112, 2nd Paragraph**

[0004] Claims 1, 25, 31, 39, and 40 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection.

[0005] Nevertheless, for the sole purpose of expediting prosecution and without acquiescing in the propriety of the Office's rejections, Applicant herein amends Claims 1, 25, and 31. Applicant respectfully submits that these amendments render the § 112, 2<sup>nd</sup> paragraph rejections moot.

[0006] Dependent Claims 39 and 40 depend from independent Claim 1, and thus are depending from a patentable independent base claim. As mentioned above, Applicant amended Claim 1. These claims comply with § 112 2<sup>nd</sup> paragraph, and as a result, the rejection is now moot. Applicant respectfully requests that the rejection of these claims be withdrawn.

**Claim 40 Complies With § 112 1st Paragraph**

[0007] Claim 40 stands rejected under 35 U.S.C. § 112, 1st paragraph, as allegedly failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

Applicant directs the Office to the original specification at paragraph 57, which includes support for Claim 40. Thus, claim 40 complies with the enablement requirement. Applicant respectfully requests that the rejection of this claim be withdrawn.

### Cited Documents

[0008] The following documents have been applied to reject one or more claims of the Application:

- *McCanne: McCanne*, U.S. Patent Application Publication No. *2004/0010616*
- *Ott: Ott, et al.*, U.S. Patent Application Publication No. *2003/0120817*

### Claims 1-2, 4, 9, 11-14, 25-28, 31, 33, 35-39 Are Non-Obvious Over McCanne

[0009] Claims 1-2, 4, 9, 11-14, 25-28, 31, 33, 35-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over *McCanne*. Applicant respectfully traverses the rejection.

[0010] Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends independent Claim 1. Claim 1 recites a method comprising (with emphasis added):

receiving a message at a routing node in an overlay network, the message comprising a header and a body, wherein the header comprises information for routing the message;

passing the message to the application level at the routing node to process the message;

generating by the routing node a routing policy message, the routing policy message including a routing policy, wherein the routing policy comprises instructions for routing nodes for redirecting messages, wherein redirecting is based at least in part on the body of the message;

sending the routing policy message to a sending node;

**instructing the sending node to bypass a first routing node and issue the routing policy message to a second routing node, the instructing based in part on the routing policy of the routing policy message;**

**accessing a routing table by the second routing node to determine a final destination address to route the message, the routing**

**table includes categories of messages and a corresponding address for the message;**

identifying by the sending node the final destination address to which to route the message based in part on the routing policy of the routing policy message;

after identifying the final destination address, incorporating by the sending node the routing policy into the body of the message; and forwarding by the sending node the message to the final destination address in the overlay network based on the instructions.

[0011] Applicant respectfully submits that McCanne fails to teach or suggest such a method.

**McCanne Fails to Teach or Suggest Bypassing, Categories of Messages**

[0012] McCanne is directed towards an overlay protocol that uses “native” Internet multicast and multicast routing protocols to route information (Abstract). McCanne operates routing in two layers, the network layer and the application layer (para. 45). Furthermore, with the two-layer routing in McCanne, the network source and destination addresses are rewritten on each overlay router hop, that certain structure and state need not be globally consistent across multicast domains (para. 46).

[0013] In the interest of expediting prosecution, Applicant amends Claim 1 to recite the following features, which are not taught or suggested by McCanne:

instructing the sending node to bypass a first routing node and issue the routing policy message to a second routing node, the instructing based in part on the routing policy of the routing policy message;

accessing a routing table by the second routing node to determine a final destination address to route the message, the routing table includes categories of messages and a corresponding address for the message.

[0014] Applicant submits that McCanne fails to mention the amended features as recited above. Nowhere is there any mention in McCanne of bypassing routing nodes or

identifying categories or types of messages in the routing tables. Applicant respectfully requests withdrawal of the rejection under §103.

**[0015]** Likewise, independent Claims 25 and 31 are each directed towards a computer program storage medium and each is allowable for reasons similar to those discussed above with respect to Applicant's Claim 1. Independent Claims 25 and 31 recite features, which are substantive similar to those recited in Applicant's Claim 1. Applicant asserts that McCanne likewise fails to teach or suggest each and every feature of Claims 25 and 31. For example, independent Claim 25 has been amended to recite the following: instructing the sending node to bypass a first routing node and issuing the routing policy message to a second routing node, the instructing based in part on the routing policy of the routing policy message; accessing a routing table by the second routing node to determine a final destination address to route the message, the routing table includes types of messages and a corresponding address for the message. Claim 31 has been amended to recite the following: accessing a routing table to identify a final destination address to route the message based at least in part on the routing policy, the routing table includes categories of messages and a corresponding address for the message.

**[0016]** **Dependent Claims 2, 4, 9, 11, 28, 33, and 35-39** are patentable over the cited document of record for at least their dependency from a patentable base claim. These claims may also be patentable for the additional features that each recites.

**[0017]** Applicant respectfully submits that the cited reference does not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably

distinguishes over the cited references. For all of these reasons, Applicant respectfully requests withdrawal of the rejection under §103.

**Claim 40 Is Non-Obvious Over McCanne in view of Ott**

[0018] Claim 40 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over *McCanne in view of Ott*. Applicant respectfully traverses the rejection.

**Dependent Claim 40**

[0019] Claim 40 ultimately depends from independent Claim 1. As discussed above, Claim 1 is patentable over the cited document, McCanne. Therefore, Claim 40 is also patentable over the cited document of record for at least its dependency from a patentable base claim. The claim may also be patentable for the additional features that it recites.

[0020] The Office stated McCanne does not disclose “the routing node combining the routing policy with other received routing policies into a master routing policy for nodes in the overlay network” (Office Action, pg. 10). Applicant agrees with this assessment. As explained above with respect to the rejection above, Applicant submits that McCanne does not teach or suggest the features that are now amended to Applicant’s Claim 1.

[0021] Applicant submits that Ott, the secondary reference, fails to compensate for the deficiencies of McCanne. Ott is directed towards wireless information service paradigm from a connection-oriented unicast network model (Abstract).

[0022] The Office states that Ott discloses “the routing node combining the routing policy with other received routing policies into a master routing policy for nodes in the

overlay network”, as recited in Applicant’s Claim 40 (Office Action pg. 10). For convenience, Applicant reproduces the cited portion of Ott that is quoted by the Office:

[0023] Semantic routers aggregate interest profiles and exchange information with neighboring routers to create "content routing tables" that are used to forward packets flowing through the network. This content routing paradigm is inherently multicast-oriented, but unlike conventional IP multicast, the multicast tree is created dynamically on a packet-by-packet basis and involves no static channel mappings. Such a network is appropriate for logical services in which end-user's interest changes with time, location and information delivery needs are driven by content rather than a given physical addresses. For instance, interests which are sensitive to the physical location of the user will be a primary source of a changing profile. An example of a location-dependent interest could be a user's desire to purchase a given object in a particular price range. The 'long-distance' interest is in driving directions to a shopping mall that carries the item. Once inside the mall, the 'medium-range' interest is to provide a list of shops carrying the item, and their current prices, special offers, etc . . . After entering a shop, the 'short-range' interest is to locate the floor, aisle, etc where the merchandise is located. In this application, the user's 'interest' does not change, i.e., "coffee shops 5 miles around me," unless changed by the user but the information being delivered to match that need does. However, a user's profile may change. For example, if a user is driving in an automobile they may continually desire or have interest in finding "coffee shops 5 miles around me" however the "5 miles around me" will change as the user continues to drive and as such a user's profile will be updated with the new position information. In the case where the user is equipped with a Global Positioning System (GPS) receiver, the delivery mechanism could automatically adapt the level of information, by detecting that the user had entered a mall, or a specific shop within that mall. Alternatively, instead of using a user's GPS receiver to detect the location of a user the present invention can delegate to the Access Point Wireless Base Station the function of stamping the wireless content consumer's position. The granularity of a microcellular system could be 1/2 mile radius, sufficient to satisfy a Location Dependent Query (LDQ), such as for example, "coffee shops 5 miles around me."

(Ott, para. 23).

**[0023]** Applicant respectfully disagrees that Ott discloses the features of Claim 40. The evidence shown fails to teach or suggest “the routing node combining the routing policy with other received routing policies into a master routing policy for nodes in the overlay network”, as recited in Applicant’s Claim 40. Applicant respectfully requests withdrawal of the rejection under §103.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests withdrawal of the rejection under §103.



## **Conclusion**

Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

Lee & Hayes, PLLC  
Representative for Applicant

/Shirley L. Anderson/

Shirley L. Anderson  
([shirley@leehayes.com](mailto:shirley@leehayes.com); 509-944-4758)  
Registration No. 57,763

Dated: January 14, 2010

Damon J. Kruger  
([damonk@leehayes.com](mailto:damonk@leehayes.com); 206-876-6018)  
Registration No. 60,400